

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of TexasUnited States of America
v.
VILLANUEVA-Mendoza, Liliana
BANUELOS, Oscar

Case No.

3:19-mj-8576-MAT (142)

2019 SEP 23 AM 10:39

BY SF

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 20, 2019 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

8 U.S.C. 1324 (a)(1)(A)(v)(I),
(a)(1)(A)(ii) and (a)(1)(B)(i)

Offense Description

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with others known and unknown, to commit offenses against the United States, namely: knowing and in reckless disregard of the fact that an alien has come to, entered, and remained in the United States in violation of law, did transport, move, and attempt to transport and move such alien within the United States by means of transportation and otherwise, in furtherance of said violation of law, for the purpose of commercial advantage and private financial gain.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Elias Contreras, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/23/2019

Judge's signature

City and state: El Paso, Texas

Miguel A. Torres, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

On September 20, 2019, at approximately 2:00 a.m., a Border Patrol Agent (BPA) was conducting surveillance in an unmarked unit near the intersection of Boone St. and Delta Dr. in El Paso, Texas. The BPA observed a white Ford Crown Victoria enter the neighborhood and turn in and around several streets in the area. The vehicle turned into a dead-end street and the BPA observed the vehicle's headlights and tail lights turn on and off twice. This is a common tactic pick up drivers use to alert illegal aliens (IA) who their transport vehicle is so they can approach it. The BPA observed a male subject scale the fence of a nearby water treatment plant, fall on his side and proceed to run towards the BPA's location. The BPA approached the subject, identified himself as a BPA and determined the subject was a citizen and national of Ecuador without any documents allowing him to be or remain in the United States (U.S.) legally. Shortly thereafter, other BPAs who were in the area approached the white Ford Crown Victoria, who had previously flashed its lights prior to making the arrest of the IA. Agents identified themselves as BPAs and questioned the driver to his reasoning for being in the area. The driver, later identified as Oscar BANUELOS, stated that he was there waiting to go to work at the El Paso County Coliseum and that his shift started at 5:00 a.m. BPAs noticed BANUELOS was receiving several phone calls from a subject named "Dylan", a phone number from Ciudad Juarez, Mexico and a phone number from New Mexico. BPAs read BANUELOS his Miranda rights. BANUELOS stated that he and his wife, later identified as Liliana VILLANUEVA-Mendoza, got into an argument and he decided to leave. BANUELOS stated he lives in the Vinton, Texas area and maintained he was there waiting for the start of his shift, now stating his shift started at 7:00 a.m. BPAs detained BANUELOS for suspicion of being involved in alien smuggling.

At approximately 3:10 a.m., while waiting on BANUELOS and the IA to be transported to the Paso Del Norte Processing Center (PDT) for further questioning, BPAs witnessed two subjects run across the street north of the BPA's location and board a brown Buick that was sitting in that area. As the vehicle proceeded to leave the area, BPAs stopped the vehicle, identified themselves as BPAs and determined the driver, VILLANUEVA-Mendoza, was a citizen of Mexico and a Lawful Permanent Resident (LPR) of the U.S. The two subjects in the back seat were determined to be citizens and nationals of Ecuador without any documents allowing them to be or remain in the U.S. legally. VILLANUEVA-Mendoza and the two IAs were placed under arrest and transported to PDT for further processing and disposition.

While at PDT, BPAs read VILLANUEVA-Mendoza her Miranda rights. VILLANUEVA-Mendoza stated she understood her rights and was willing to speak with BPAs without an attorney present. VILLANUEVA-Mendoza admitted she was there to pick up the IAs and she was going to be paid \$150 to transport them to a McDonald's. VILLANUEVA-Mendoza further admitted she was aware that the subjects in her vehicle were IAs. VILLANUEVA-Mendoza stated a subject named Dylan RENTERIA, the same subject that was calling BANUELOS, had sent her to pick up the IAs. VILLANUEVA-Mendoza admitted BANUELOS was her husband

and he was also working for RENTERIA picking up IAs that had just illegally crossed the U.S./Mexico international boundary. VILLANUEVA-Mendoza admitted she recruited BANUELOS to help her pick up IAs. VILLANUEVA-Mendoza said she communicated with RENTERIA via Facebook and WhatsApp and gave BPAs consent to search her cell phone.

While searching VILLANUEVA-Mendoza's cell phone, agents noticed VILLANUEVA-Mendoza had a conversation in WhatsApp with RENTERIA starting the night before. In the conversation, RENTERIA asked VILLANUEVA-Mendoza to have BANUELOS call him as they usually work after midnight. Instead, VILLANUEVA-Mendoza provided him BANUELOS' phone number. VILLANUEVA-Mendoza said she also gave BANUELOS instructions to contact RENTERIA. At approximately 2:44 a.m., the WhatsApp conversation showed RENTERIA advise VILLANUEVA-Mendoza that BANUELOS had not picked up the IA and he believed BPAs had apprehended BANUELOS. VILLANUEVA-Mendoza then tells RENTERIA to send her the IAs location so she can pick him up. RENTERIA sent a pin-drop GPS map location, which was the area where BANUELOS, VILLANUEVA-Mendoza, and IA's were apprehended.

VILLANUEVA-Mendoza further stated there were seven IA's being housed in a trailer in Canutillo, Texas. VILLANUEVA-Mendoza stated that the caretaker of the home, later identified as Joanna WALTMAN, was involved in alien smuggling. VILLANUEVA-Mendoza stated she had gone to WALTMAN's home the night before and saw the IAs housed inside. VILLANUEVA-Mendoza identified a trailer located near the 1100 block of Spartan Drive in Canutillo, Texas as the stash house. BPAs relayed the case information to Homeland Security Investigations (HSI). HSI agents and BPAs responded to the trailer and encountered a subject who freely admitted being a citizen of India without any documents allowing him to be or remain in the U.S. legally. The IA was taken into custody by HSI agents.

HSI agents eventually took custody of VILLANUEVA-Mendoza and BANUELOS and transported them to the HSI Office for processing. Upon arriving to the HSI Office, VILLANUEVA-Mendoza saw the IA from India and told HSI agents that the subject was still at the residence in Canutillo, Texas because he had not paid the smuggler fees. HSI agents presented VILLANUEVA-Mendoza a photographic lineup of six females and asked if she knew any of the females in the photographs. VILLANUEVA-Mendoza pointed at the picture of Joanna WALTMAN and stated she was the subject who offered her \$150 to help smuggle IAs and that WALTMAN was married to RENTERIA. VILLANUEVA-Mendoza then began giving HSI agents statements which were inconsistent with her original statements, but when confronted with the messages on her phone between her and RENTERIA about picking up IAs, she admitted she and BANUELOS, her husband, arrived to pick up IAs early in the morning.

This Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, therefore, I have not included each and every fact known to me concerning this investigation. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.